



**US Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to:

Issuance Date:

Public Notice No. 200300675

January 12, 2004

Stream:

Expiration Date:

UN Trib W.B. Nimishillen Creek February 13, 2004

Address comments to:

US Army Corps of Engineers, Huntington District

502 Eighth Street

ATTN: CELRHF

Huntington, West Virginia 25701-2070

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Kent State University
Dr. David Creamer, Vice President for Administration
P.O. Box 5190
Kent, Ohio 44242

LOCATION: The project is located on the Kent State University – Stark Campus in wetlands adjacent to an unnamed tributary to West Branch of Nimishillen Creek in Canton, Stark County, Ohio.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place 1,878 cubic yards of fill material into 1.72 acres of waters of the United States for the purpose of constructing a pond for aesthetics, recreation and University sponsored research. The applicant has determined a 30 millimeter plastic liner and protective soil layer would be needed to prevent excessive leakage.

To mitigate for wetland impacts associated with the proposal, the applicant proposes to create 1.31 acres of wetlands on-site (Wetland C). The wetlands would be excavated to establish water from six to twelve inches deep over an extensive area with several smaller pools up to two to three feet in depth. The deepest areas should not exceed four feet in depth.

Wetland soil would be stockpiled and redistributed within the mitigation site to allow wetland vegetation to establish naturally through the seed-source present in the redistributed topsoil. The on-site seed source would be supplemented with an emergent wetland seed mix to ensure good coverage and diversity.

In addition, 2.36 acres of Wetland C would be enhanced through inundation. The applicant indicates two outlet control structures on the east side of the proposed wetland mitigation area, combined with the excavation of additional wetland habitat will mimic the water level changes which occur in larger, natural systems. In general, water levels would be increased in the late fall and winter periods and lowered during the growing season, depending on specific wildlife management goals.

Wetland B (0.46 acre) is to be preserved in its entirety. However, a portion of Wetland B (0.23 acre) will be enhanced through the removal of invasive species and replanted with a more diverse, native seed bank.

Portions of Wetlands A and C and all of Wetland B will be preserved on site for a total of 2.25 acres.

The total impacts and mitigation proposed for this project are described below:

<i>Area Name</i>	<i>Total Present On-Site (acres)</i>	<i>Proposed Future Fill (acres)</i>	<i>Proposed Creation Through Excavation (acres)</i>	<i>Proposed Enhancement Through Inundation (acres)</i>	<i>Proposed Enhancement Through Plantings (acres)</i>	<i>Preserved After Proposed Fill (acres)</i>
A	2.39	1.72	--	--	--	0.67
B	0.46	--	--	--	0.23	0.46
C	3.48	--	1.31	2.36	--	1.12
Total	6.33	1.72	1.31	2.36	0.23	2.25

A total of 1.72 acres of jurisdictional wetland would be filled as a result of the proposal. The project does not require access to or siting within the wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis and it is currently being reviewed.

Plans of the proposed work are attached to this notice.

A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined that there no properties eligible for the register in the area affected by the project. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

THREATENED AND ENDANGERED SPECIES: The project is located within the known or historic range of the following endangered species:

Indiana bat
Bald Eagle
Eastern Massasauga

The Huntington District has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENTS: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.


The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of

Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

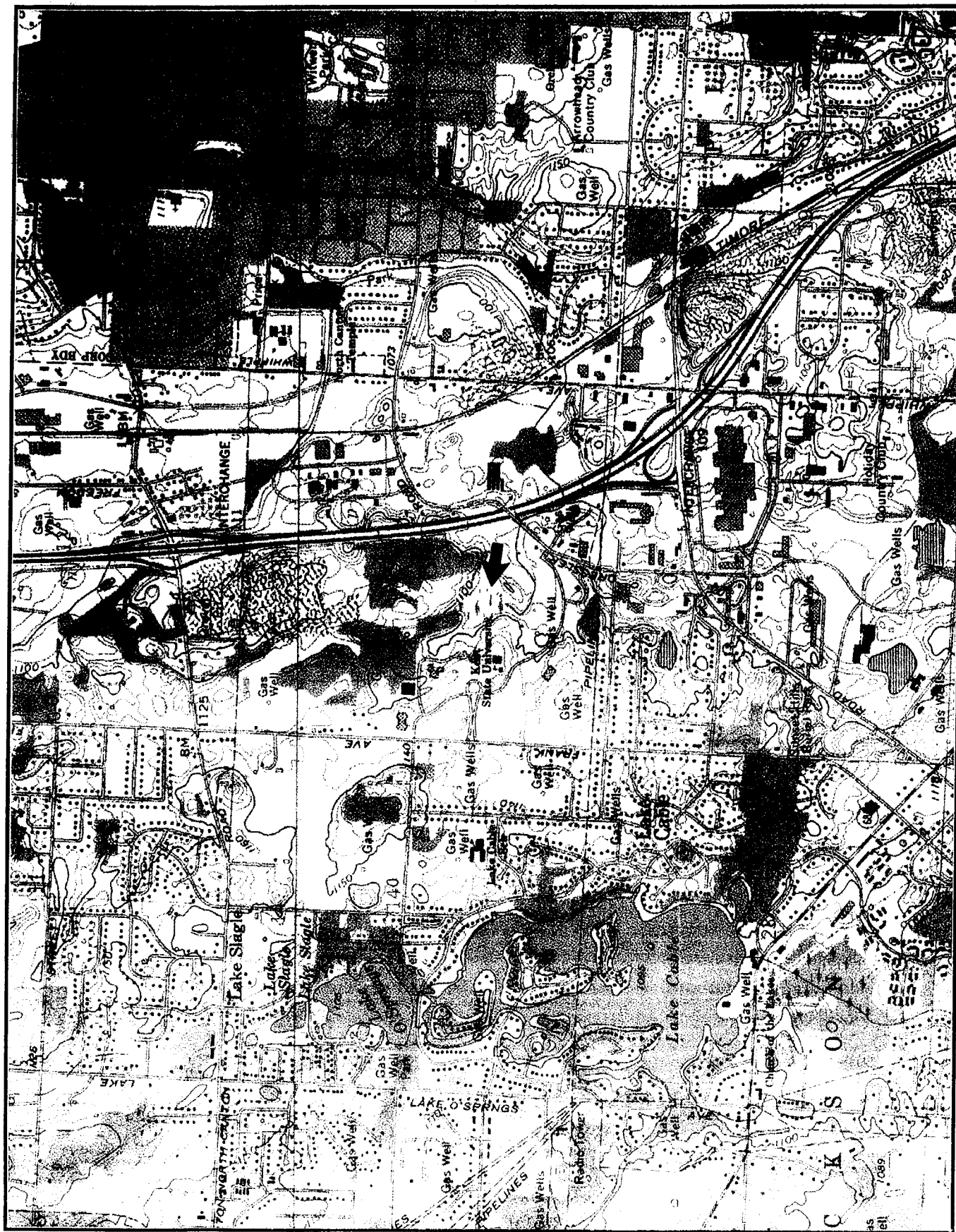
Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200300675
502 8th Street
Huntington, West Virginia 25701-2070

If you have any questions concerning this public notice, please contact Ms. Lee A. Pittman at (304) 399-5210.




Ginger Mullins, Chief
Regulatory Branch

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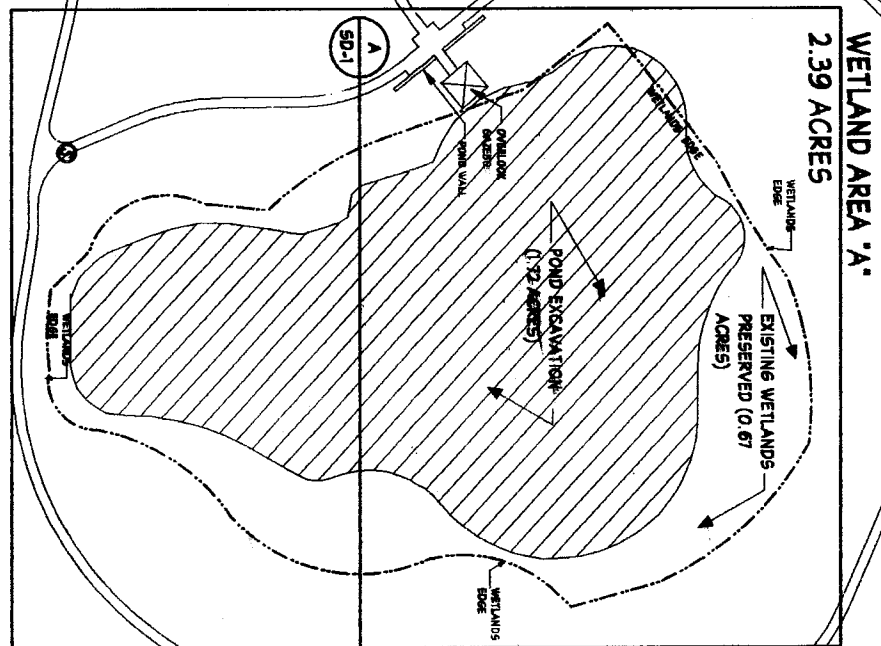


U.S.G.S. Quadrangle Map of the Proposed Project Area

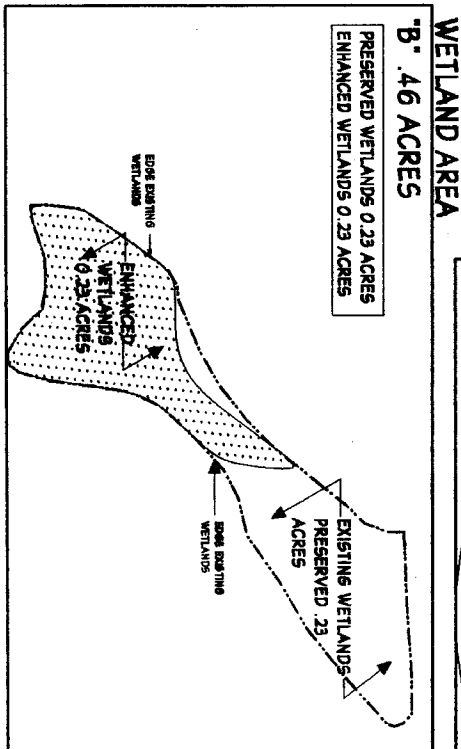


MITIGATION LEGEND	
	POND EXCAVATION
	WETLANDS TO BE PRESERVED

POND EXCAVATION 1.72 ACRES
PRESERVED WETLANDS 0.67 ACRES
NORMAL WATER LEVEL @ 1065



WETLAND AREA "A"
2.39 ACRES

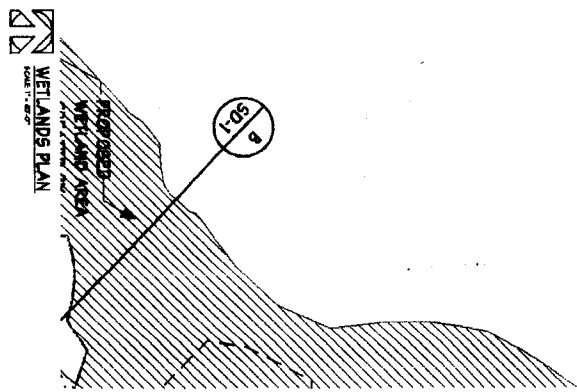


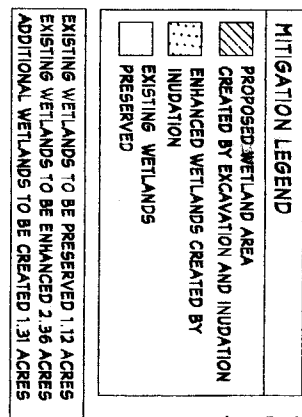
WETLAND AREA
"B" .46 ACRES

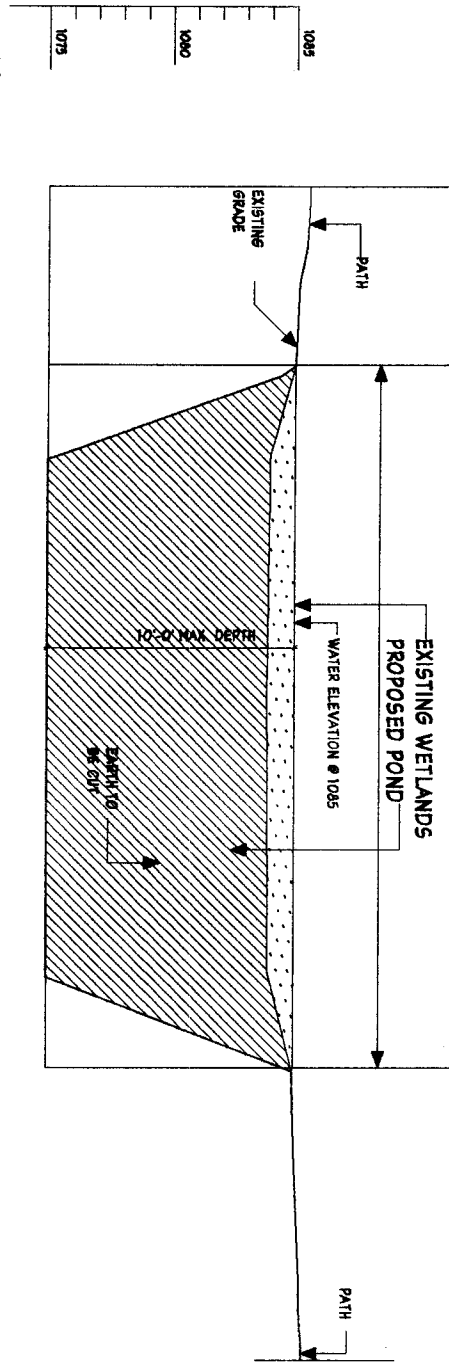
PRESERVED WETLANDS 0.23 ACRES
ENHANCED WETLANDS 0.23 ACRES

MATCHLINE: AREA "A" & "B"
MATCHLINE: AREA "C"

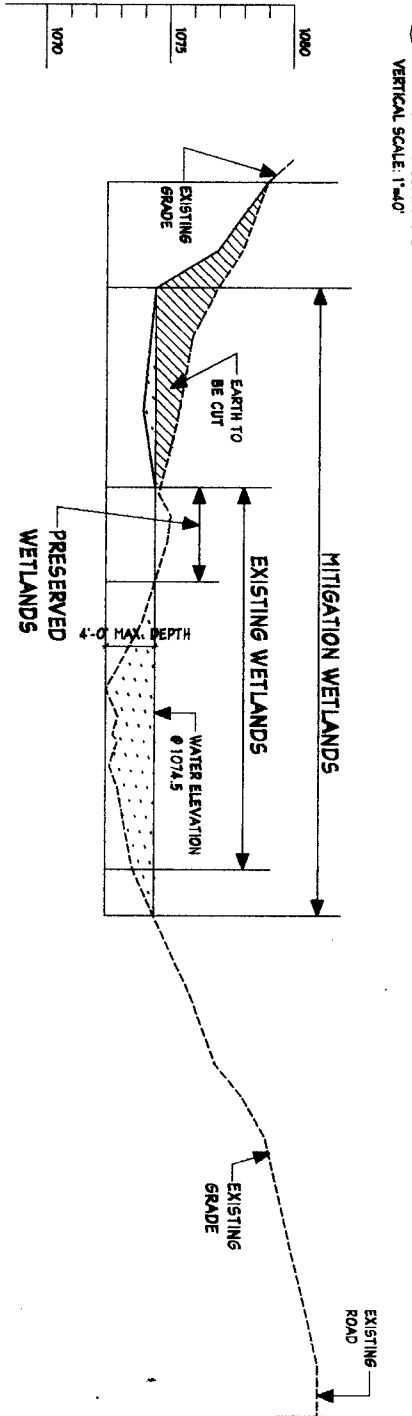
EXISTING WETLAND AREA "C"
3.48 ACRES







A
PROFILE: AREA 'A'
 SD-1 HORIZONTAL SCALE: 1/4"=1'-0"
 VERTICAL SCALE: 1"=4'-0"



B
PROFILE: AREA 'B'
 SD-1 HORIZONTAL SCALE: 1/4"=1'-0"
 VERTICAL SCALE: 1"=4'-0"

